IN THE CIRCUIT COURT OF
GREENBRIER COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

VS. CRIMINAL ACTION
NO. 96-F-102

MARY BETH DAVIS

MOTION FOR INDEPENDENT
CHEMICAL ANALYSIS OF TISSUE SAMPLES
OF TEGAN DAVIS

TO THE HONORABLE JUDGE OF SAID COURT:

I.

Your defendant, Mary Beth Davis, is charged in the above styled criminal proceeding in the Circuit Court of Greenbrier County, West Virginia, for alleged activities that took place in 1981 and 1982 in Greenbrier County.

II.

That investigation by counsel for the defendant has lead the defendant to be advised and informed that the State of West Virginia may attempt to introduce evidence in regards to the spread of caffeine into the tissues of Tegan Davis, deceased.

III.

That your defendant, Mary Beth Davis, in order to prepare for trial needs to conduct an independent test on the said tissue to determine whether in fact the caffeine is in fact caffeine or another substance that may given a false positive for caffeine.

PRAYER

WHEREFORE, your defendant Mary Beth Davis requests that her motion be filed; that a hearing be had; that the State of West Virginia make available to her or her counsel any slides, tissues samples, or otherwise of the said Tegan Davis in order that an independent laboratory analysis of the tissues of the said Tegan Davis may be conducted and the results therefrom be made available to the defendant and to the State of West Virginia in conformance with law; that in the event that the said tissue samples are not available due to the passage of time that all reference to them be barred as a denial of the due process rights of your defendant Mary Beth Davis; that the results thereof of any test be barred as a denial of the right of the said Mary Beth Davis to properly confront her accusers and that the said Mary Beth Davis be granted such other, further, and general relief as the honorable court may deem meet.

MARY BETH DAVIS
By Counsel

/s/ Paul S. Detch
PAUL S. DETCH
201 N. Court Street
Lewisburg, WV 24901

CERTIFICATE OF SERVICE

I, Paul S. Detch, do certify that a true and exact copy of the foregoing Motion was forwarded to Prosecuting Attorney, at the Greenbrier County Courthouse, Lewisburg, West Virginia 24901, by United States mail, postage

prepaid at Lewisburg, West Virginia, on this 18 day of April, 1997.

/s/ Paul S. Detch
PAUL S. DETCH